

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

HANLEY CHEW (CSBN 189985)
Assistant United States Attorney
San Jose Division

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5060
Facsimile: (408) 535-5066
Hanley.Chew@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY JAMES ROLLER,

Defendant.

No. CR 08-00361(A) RMW

**[PROPOSED] ORDER EXCLUDING
TIME FROM DECEMBER 7, 2009
THROUGH MARCH 15, 2010 FROM
CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

Defendant Gary James Roller ("defendant") appeared before this Court on December 7, 2009. Richard Pointer, Esq. appeared on behalf of the defendant. Assistant United States Attorney Hanley Chew appeared for the government. This Court scheduled defendant's next appearance on March 15, 2010.

At the request of the parties, including the defendant, the Court enters this order documenting the exclusion of time from December 7, 2009 through March 15, 2010 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161. The parties, including the defendant, agree and the Court finds and holds as follows:

[PROPOSED] ORDER TO EXCLUDE TIME
U.S. v. ROLLER, No. CR 08-00361(A) RMW

1. Defendant understands and agrees to the exclusion of time for the period from December 7, 2009 through March 15, 2010 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161 based upon the fact the need for the defense counsel to review the discovery that has been and will be produced by the government, investigate further the facts of the present case and determine if any other motions are appropriate. In addition, defense counsel will be participating in a multi-defendant trial in state court in early January 2010. Moreover, the parties also need additional time to determine if a disposition in this case is possible.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; continuity of counsel; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from December 7, 2009 through March 15, 2010.

Given these circumstances, the Court finds that the ends of justice are served by excluding the period from December 7, 2009 through March 15, 2010 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv) outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the Court further orders that (1) the next appearance date before this Court is scheduled for March 15, 2010 at 9 a.m.; and (2) the time from December 7, 2009 through March 15, 2010 is excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS SO STIPULATED.

DATED: 12/7/09


RICHARD POINTER

DATED: 12/7/09

JOSEPH P. RUSSONIELLO
United States Attorney


HANLEY CHEW
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 12/7/09


THE HONORABLE RONALD M. WHYTE
United States District Court Judge